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| APPLICATION NO.                  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO.          | CONFIRMATION NO. |
|----------------------------------|-------------|----------------------|------------------------------|------------------|
| 09/806,411                       | 07/05/2001  | Rolf Meyer           | GK-EIS-1040 /<br>500593.2003 | 8730             |
| 26418                            | 7590        | 12/21/2004           | EXAMINER                     |                  |
| REED SMITH, LLP                  |             |                      | BANGACHON, WILLIAM L         |                  |
| ATTN: PATENT RECORDS DEPARTMENT  |             |                      | ART UNIT                     | PAPER NUMBER     |
| 599 LEXINGTON AVENUE, 29TH FLOOR |             |                      |                              |                  |
| NEW YORK, NY 10022-7650          |             |                      | 2635                         |                  |

DATE MAILED: 12/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                        |                     |
|------------------------------|------------------------|---------------------|
| <b>Office Action Summary</b> | <b>Application No.</b> | <b>Applicant(s)</b> |
|                              | 09/806,411             | MEYER ET AL.        |
|                              | <b>Examiner</b>        | <b>Art Unit</b>     |
|                              | William Bangachon      | 2635                |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 01 December 2004.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 22-39 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 22-39 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 12/1/04 has been entered.

### ***Response to Arguments***

2. Applicant's arguments with respect to claims 22-39 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

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4. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 22-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 5,889,473 (Wicks) in view of DE 195 06 890 (Constein).

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In claims 22, 27-28, and 39, Wicks teaches of an information system for supplying a predetermined region with information {col. 2, line 36-col. 3 line 2}, comprising:

a transmitter (10, 13, 14, 43) for transmitting information in digitally coded form {col. 4, lines 18-65},

hand-held device (15, 40) {col. 2, lines 29-35; col. 3, lines 3-27}, which comprises

receiver (42) for receiving the information transmitted by the transmitter,

a digital memory device (47) for storing the information received,

a reproduction device (24) for reproducing the memorized information, in

particularly acoustically and/or optically, and

a navigation device that automatically determines the present information cell the hand-held device is located in, wherein upon determination of the present information cell, the stored information which is associated to events in the determined information cell is selected for reproduction by the reproduction device.

Wicks do not disclose expressly a "navigation device". However, Wicks teach of giving directions and guiding a user doing tours on selected locations {col. 5, lines 10-15}. And the pager may provide maps to indicate the location of the user {col. 5, lines 36-45}. Obviously, the system of Wicks has a navigation device for giving directions and indicating the location of a user, to one of ordinary skill in the art. Alternatively, Constein, in the same problem solving area, teach of navigation systems such as GPS and GLONAS for the purpose of indicating a users location {Constein, abstract}.  
Constein teach that these navigation devices are desirable for guides and travelers on foot or in vehicles. Clearly, these navigation devices are desirable in the system of Wicks, and would have been obvious in the system of Wicks to one of ordinary skill in

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the art, because it can be used give directions and indicate the location of a user, as taught by Constein.

In claim 23, an information system according to Claim 22, characterized in that the transmission of the information from the transmitter to the receiver takes place more quickly than a subsequent reproduction by the reproduction device {col. 2, lines 17-29; col. 5, lines 23-30}.

In claim 24, an information system according to Claim 22, characterized in that the information is multilingual {col. 2, lines 29-35; col. 5, lines 16-22}.

In claim 25, an information system according to Claim 24, characterized in that the hand-held device comprises a selection device for selecting one of the languages in which the information is transmitted {col. 3, lines 10-15}.

In claim 26, an information system according to Claim 25, characterized in that only the information which comprises the language selected by means of the selection device is stored in the memory device of the hand-held device {col. 2, lines 29-35; col. 5, lines 23-30}.

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In claim 29, an information system according to Claim 28, wherein the signal generators (13, 14) are formed by infrared transmitters and/or induction transmitters, each emitting a signal characterizing the location {col. 1, lines 4-9}.

Claims 30-34 and 36-38 recites a method for practicing the system of claims 22-26 and 28-29 and therefore rejected for the same reasons.

Claim 35 recites a method for practicing the system of claim 27 and therefore rejected for the same reasons.

7. Claims 22-26, 28-34, and 36-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 6,313,735 (Higuchi) in view of US 5,889,473 (Wicks).

In claims 22, 28-29, Higuchi teaches of an information system for supplying a predetermined region with information {see whole document}, comprising:

a transmitter for transmitting information in digitally coded form {col. 1, lines 48-52; col. 2, lines 40-45; col. 3, lines 6-15},

hand-held device (figures 2 and 15), which comprises

receiver (1, 2) for receiving the information transmitted by the transmitter,

a digital memory device (11) for storing the information received,

a reproduction device (8) for reproducing the memorized information, in particularly acoustically and/or optically, and

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a navigation device that automatically determines the present information cell the hand-held device is located in, wherein upon determination of the present information cell, the stored information which is associated to events in the determined information cell is selected for reproduction by the reproduction device.

Higuchi does not expressly disclose "wherein a region/service area includes a **plurality of information cells** (Wicks, 13, 14) {Wicks, col. 4, lines 18-37} and the transmitter is located in each information cell, and each transmitter transmits information which is associated to events which may occur in the respective information cell" {Wicks, col. 4, lines 59-65; col. 5, lines 1015, lines 24-30}. As evidenced by Wicks, these claim limitations are conventional {Wicks, col. 1, lines 25-30; col. 4, lines 28-37}. Since the strength of transmission from a pager is constrained by the battery power available to the pager, the information cells must be sufficient in number and distribution to receive pager transmissions. This is clearly desirable in the system of Higuchi for the multilingual pager of Higuchi to be used anywhere. Therefore, at the time of the invention, it would have been obvious to one of ordinary skill in the art to have a plurality of information cells in the system of Higuchi, for receiving tourist information (as claimed), as evidenced by Wicks, because the strength of transmission from a pager is constrained by the battery power available to the pager.

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In claim 23, the information system characterized in that the transmission of the information from the transmitter to the receiver takes place more quickly than a

subsequent reproduction by the reproduction device {col. 1, lines 48-52; col. 2, lines 40-45}.

In claim 24, the information system characterized in that the information is multilingual {col. 3, lines 37-47}.

In claim 25, the information system characterized in that the hand-held device comprises a selection device for selecting one of the languages in which the information is transmitted {col. 4, lines 17-30}.

In claim 26, the information system characterized in that only the information which comprises the language selected by means of the selection device is stored in the memory device of the hand-held device {col. 4, lines 33-41}.

Claims 30-34 and 36-39 recite a method for practicing the system of claims 22-26 and 28-29 and therefore rejected for the same reasons.

8. Claims 25 and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 6,313,735 (Higuchi) in view of US 5,889,473 (Wicks), and further in view of DE 195 06 890 (Constein)..

With regards to claim 27, Higuchi does not disclose a “GPS device”. Constein, in the same problem solving area, teach of navigation systems such as GPS and

GLONAS for the purpose of indicating a users location {Constein, abstract}. Constein teach that these navigation devices are desirable for guides and travelers on foot or in vehicles. Clearly, these navigation devices are desirable in the system of Higuchi, and would have been obvious in the system of Higuchi to one of ordinary skill in the art, because it can be used give directions and indicate the location of a user, as taught by Constein.

Claim 35 recites a method for practicing the system of claim 27 and therefore rejected for the same reasons.

### ***Conclusion***

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

USP 5,539,395 (Buss et al) is cited in that it teaches of a pager incorporating a Global Positioning System for identifying the location of a user {col. 2, lines 21-30; paragraph bridging cols. 5 and 6}.

### ***Examiner Contact Information***

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to William Bangachon whose telephone number is (571)-272-3065. The examiner can normally be reached on 4/4/10.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Horabik can be reached on (571)-272-3068. The fax phone

numbers for the organization where this application or proceeding is assigned is 703-872-9314 for regular and After Final formal communications. The examiner's fax number is (571)-273-3065 for informal communications.

Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4700.

William L Bangachon  
Examiner  
Art Unit 2635

December 12, 2004

MICHAEL HORABIK  
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